

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOE J.W. ROBERTS, JR.,

Plaintiff,

Case No. C16-1464-TSZ-JPD

V.

SNOHOMISH COUNTY, *et al.*,

Defendants.

ORDER DENYING PLAINTIFF'S
MOTION TO COMPEL

This is a civil rights action brought under 42 U.S.C. § 1983. This matter comes before the Court at the present time on plaintiff's motion to compel discovery. Defendants have filed a response opposing plaintiff's motion. The Court, having reviewed plaintiff's motion, defendants' response thereto, and the balance of the record, hereby finds and ORDERS as follows:

(1) Plaintiff's motion to compel discovery (Dkt. 76) is DENIED. Plaintiff, by way of the instant motion, seeks to compel defendants to release reports related to the May 8, 2015 use-of-force incident at issue in this action which he claims were missing from the discovery thus far produced by defendants. (*Id.* at 1.) Plaintiff maintains that under Snohomish County Jail policies and procedures, there should be additional reports regarding the incident from precinct

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1 and division commanders, the Sheriff's Office Personnel Development Division, the Bureau
2 Chief of the Snohomish County Jail, other corrections deputies, and the nurse who evaluated
3 plaintiff following the incident. (*See* Dkt. 76 at 4.) Plaintiff also seeks to compel the production
4 of all medical records dated May 8, 2015 through May 21, 2015, which he believes will show the
5 injuries he suffered in the use-of-force incident. (*See id.* at 9.)

6 Defendants, in their response to plaintiff's motion to compel, assert that all reports related
7 to the May 8, 2015 use-of-force incident, as well as plaintiff's medical file, have already been
8 produced, and that the additional reports and records requested by plaintiff in his motion to
9 compel simply do not exist. (*See* Dkt. 82.) The Court is satisfied, based on the evidence
10 submitted by defendants in support of their response to plaintiff's motion to compel, that the
11 additional documents being sought by plaintiff in his motion to compel do not, in fact, exist.
12 (*See* Dkts. 83, 84.) It would therefore serve no purpose for the Court to compel the production of
13 such documents.

14 (2) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
15 defendants, and to the Honorable Thomas S. Zilly.

16 DATED this 14th day of June, 2017.

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18 JAMES P. DONOHUE
19 Chief United States Magistrate Judge
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